

STATE OF FLORIDA

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Commissioners:
JULIA L. JOHNSON, CHAIRMAN
J. TERRY DEASON
SUSAN F. CLARK
JOE GARCIA
E. LEON JACOBS, JR.



GENERAL COUNSEL
ROBERT D. VANDIVER
(850) 413-6248

Public Service Commission

July 27, 1998

BY AIR BORNE EXPRESS

Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, NW, Room 222
Washington, DC 20554

Re: CC Docket No. 95-116 - Telephone Number Portability

Dear Ms. Salas:

Enclosed are an original and 12 copies of the Florida Public Service Commission's Petition for Clarification in the above-referenced docket. Please date-stamp one copy and return to us in the enclosed self-addressed stamped envelope.

Sincerely,

A handwritten signature in cursive script that reads "Cynthia B. Miller".

Cynthia B. Miller
Senior Attorney

CBM:jmb

Enclosure

cc: International Transcription Services, Inc.
Parties of Record

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**Before the
Federal Communications Commission
Washington, D. C. 20554**

In the Matter of:)

Telephone Number Portability)
_____)

CC Docket No. 95-116

**FLORIDA PUBLIC SERVICE COMMISSION
PETITION FOR CLARIFICATION**

The Florida Public Service Commission (FPSC) seeks clarification of the Federal Communications Commission (FCC) Third Report and Order in CC Docket No. 95-116, In the Matter of Number Portability, released May 12, 1998 (Third Report and Order). In this order, the FCC sets forth the manner for distributing and recovering the costs of long-term number portability. Local exchange carriers are authorized but not required to impose an end-user surcharge to recover all costs of number portability. (Order at ¶ 75, 135-149). The FPSC seeks clarification of those portions of the Third Report and Order that allow recovery through a federal surcharge on end users.

Customer Confusion: FCC Staffing and Response to Inquiries

The FCC should be the messenger of the charges it authorizes. State commissions should not be placed in the

position of having to explain or defend Federal charges.¹ We urge that the FCC expressly state in its order that it will establish sufficient staffing to respond to customer inquiries regarding any new Federal end user surcharge. The FCC should also pro-actively inform consumers of the new charges on their bills. The FCC could accomplish this by providing a consumer hotline, with sufficient staffing, to tell customers the reasons for and nature of these charges.

In addition, public service announcements and required bill inserts could help ease the confusion. Companies should be explaining the charges to customers prior to the charges being imposed. Once the end user surcharge is placed on the customer's bill, carriers could place a 1-800 number for customer inquiries regarding that charge.

Standardized Label for End User Charges

The FCC should consider requiring in its rules that the local exchange carriers apply a standardized label for the end user charge. In this case, "Federal Number Portability Charge" would seem appropriate. It is clear that customers are greatly confused about end user charges.

¹The FPSC Consumer Affairs Division lists 107 contacts made by consumers in 1998 regarding recent FCC actions implementing the Telecommunications Act.

For example, on the new Federal presubscribed interexchange carrier charge (PICC) charge, different carriers are giving the charge different names on the end user bill. AT&T calls it "Carrier Line Charge;" MCI calls it "National Access Fee;" Sprint calls it "Presubscribed Line Charge;" and World Com calls it "PIC Charge." AT&T calls the new universal service fund recovery charge the "Universal Connectivity Charge;" MCI calls it "Federal Universal Service Fee;" Sprint calls it "Carrier Universal Service Charge;" and World Com calls it "Local Service Subsidy." Consumers are justifiably confused. Therefore, the standardized label is appropriate.

End User Charges and Availability of Competition to Consumers

We strongly support the language in the Order, at ¶ 142, which states, "We determine, however, that recovery from end users should be designed so that end users generally receive the charges only when and where they are reasonably able to begin receiving the direct benefits of long-term number portability." Yet the FCC then states that to achieve this it will allow the monthly number portability charge to begin no earlier than February 1, 1999, on a date the incumbent selects, and to last no longer than five years.

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We believe that FCC rule 52.33 on Recovery of Carrier-Specific Costs Directly Related to Number Portability needs to be amended to ensure that the intent of no monthly charges until end users "are reasonably able to begin receiving the direct benefits of long-term number portability" is met. It should be revised in the following way.

(a)(1) The monthly number portability charge may take effect no earlier than February 1, 1999, on a date the incumbent local exchange carrier selects; and no sooner than the end users are reasonably able to begin receiving number portability. It may end no later than five years after that date.

Conclusion

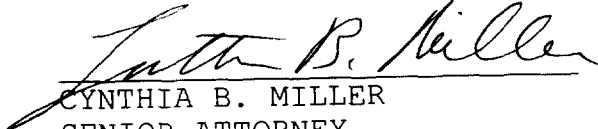
Implementation of the Federal Telecommunications Act has been confusing. Thus far, consumer education as to the reason for the new Federal end user charges has been inadequate. We urge the FCC to ensure that in this instance the charge is adequately explained. A national standardized label for the charge should make it easier for the FCC and the carriers to explain to consumers the nature and reason for the charge.

The FPSC urges the FCC to initiate a national consumer education campaign. While we will do what we can to help, the State commissions should not become, in essence, the "field agents" of the FCC. To the extent that the FCC does not take actions such as a consumer hotline and mandatory bill inserts,

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the State commissions must use State staff and resources to ease customer confusion regarding the FCC's actions.² The FCC should continue to work with states to develop means by which the FCC may better inform consumers about these new Federal developments.

Respectfully submitted,


CYNTHIA B. MILLER
SENIOR ATTORNEY

Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850
(850) 413-6082

DATED: July 27, 1998

² In Printz v. United States, 117 S.Ct. 2365 (1997), the U.S. Supreme Court emphasized that "the Federal Government may not compel the States to . . . administer a federal regulatory program."

Before the
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In the Matter of:

Telephone Number Portability

CC Docket No. 95-116

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Petition for Clarification of the Florida Public Service Commission will be furnished to all parties of record when the official service list is received from the FCC. This should occur by tomorrow, July 28, 1998.


CYNTHIA B. MILLER
SENIOR ATTORNEY